

REMARKS/ARGUMENTS

The Applicants have carefully considered this application in connection with the Examiner's Action and respectfully request reconsideration of this application in view of the foregoing amendment and the following remarks.

The Applicants originally submitted Claims 1-37. In a previous Amendment the Applicants cancelled Claims 1-24 without prejudice or disclaimer. Presently, the Applicants have amended Claim 25, and have neither amended, cancelled nor added any other claims. Accordingly, Claims 25-37 are currently pending in the application.

I. Rejection of Claims 25, 26, 30 and 37 under 35 U.S.C. §102

The Examiner has rejected Claims 25, 26, 30 and 37 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,194,775 to Usami ("Usami"). Independent Claim 25 currently includes the element that first and second contact pads are located atop a resistive layer. Usami fails to disclose this element.

Usami, in contrast to the present invention, is directed to a semiconductor element with thermally nitrided film on high resistance film and method of manufacturing the same. (Title). Usami teaches that its device may comprise a high resistance portion 7 located over a substrate 1 and on an oxide layer 2. Usami further teaches that resistance electrode portions 6 are formed in contact with sidewalls of the high resistance portion 7. However, in direct contrast to that currently claimed, the resistance electrode portions 6 of Usami are not located atop its high resistance portion 7. Accordingly, Usami fails to disclose this claimed element.

Therefore, Usami does not disclose each and every element of the claimed invention and as such, is not an anticipating reference. Because Claims 26, 30 and 37 are dependent upon Claim 25, Usami also cannot be an anticipating reference for Claims 26, 30 and 37. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102 rejection with respect to these Claims.

II. Rejection of Claims 29 and 36 under 35 U.S.C. §103

The Examiner has rejected Claims 29 and 36 under 35 U.S.C. §103(a) as being unpatentable over Usami. Independent Claim 25 currently includes the element that first and second contact pads are located atop a resistive layer. As previously established, Usami fails to disclose this element. Usami further fails to suggest this element. Specifically, Usami fails to suggest this element because Usami explicitly requires that its resistance electrode portions 6 be formed along a sidewall of its high resistance portion 7.

Moreover, one skilled in the art would not be motivated to move the resistance electrode portions 6 of Usami on top of its high resistance portion 7, such as claimed in the present invention, because doing so would make the device of Usami not operate properly. For example, the collective width of the resistance electrode portions 6 of Usami is almost as wide as the high resistance portion 7 itself. Placing the resistance electrode portions 6 of Usami atop the high resistance portion 7 would provide little to no resistive value. Accordingly, one skilled in the art would not be motivated to make such an adjustment.

Thus, Usami fails to teach or suggest the invention recited in independent Claim 25 and its dependent claims, when considered as a whole. Accordingly, Usami fails to establish a prima facie

case of obviousness with respect to those claims. Claims 29 and 36 are therefore not obvious in view of Usami.

In view of the foregoing remarks, the cited reference does not support the Examiner's rejection of Claims 29 and 36 under 35 U.S.C. §103(a). The Applicants therefore respectfully request the Examiner withdraw the rejection.

III. Rejection of Claim 31 under 35 U.S.C. §103

The Examiner has rejected Claim 31 under 35 U.S.C. §103(a) as being unpatentable over Usami in view of U.S. Patent No. 6,424,040 to Nag, et al. ("Nag"). Independent Claim 25 currently includes the element that first and second contact pads are located atop a resistive layer. As previously established, Usami fails to teach or suggest this element. Nag also fails to teach or suggest this element.

Nag is being offered for the sole proposition that interconnects may comprise a Ti/TiN/Al/TiN stack. Notwithstanding the accuracy of the Examiner's proposition, a teaching that interconnects may comprise a Ti/TiN/Al/TiN stack is very different from a teaching or suggestion that first and second contact pads are located atop a resistive layer. Accordingly, Nag also fails to teach or suggest the element that the first and second contact pads are located atop a resistive layer.

Thus, Usami and Nag, either alone or in combination, fail to teach or suggest the invention recited in independent Claim 25 and its dependent claims, when considered as a whole. Accordingly, the combination fails to establish a prima facie case of obviousness with respect to those claims. Claim 31 is therefore not obvious in view of the combination.

In view of the foregoing remarks, the cited references do not support the Examiner's rejection of Claim 31 under 35 U.S.C. §103(a). The Applicants therefore respectfully request the Examiner withdraw the rejection.

IV. Rejection of Claims 32 and 33 under 35 U.S.C. §103

The Examiner has rejected Claims 32 and 33 under 35 U.S.C. §103(a) as being unpatentable over Usami in view of U.S. Patent No. 4,161,431 to Matsunaga, et al. ("Mat"). Independent Claim 25 currently includes the element that first and second contact pads are located atop a resistive layer. As previously established, Usami fails to teach or suggest this element. Mat also fails to teach or suggest this element.

Mat is being offered for the sole proposition that the resistive layer may be used in an integrated circuit, and further wherein the resistive layer comprises tantalum nitride and tantalum pentoxide. Notwithstanding the accuracy of the Examiner's proposition, a teaching that the resistive layer may be used in an integrated circuit, and further wherein the resistive layer comprises tantalum nitride and tantalum pentoxide is very different from a teaching or suggestion that first and second contact pads are located atop a resistive layer. Accordingly, Mat also fails to teach or suggest the element that the first and second contact pads are located atop a resistive layer.

Thus, Usami and Mat, either alone or in combination, fail to teach or suggest the invention recited in independent Claim 25 and its dependent claims, when considered as a whole. Accordingly, the combination fails to establish a prima facie case of obviousness with respect to those claims. Claims 32 and 33 are therefore not obvious in view of the combination.

In view of the foregoing remarks, the cited references do not support the Examiner's rejection of Claims 32 and 33 under 35 U.S.C. §103(a). The Applicants therefore respectfully request the Examiner withdraw the rejection.

V. Rejection of Claims 25-37 under Obviousness-Type Double Patenting

The Examiner has rejected Claims 25-37 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over U.S. Patent No. 6,703,666. In rejecting these claims, the Examiner has asserted that although the conflicting claims are not identical, they are not patentably distinct from each other because the claims are nearly identical, with a few noted exceptions.

The attorney of record (Mr. Greg Parker) and the Examiner spoke on February 25, 2005, regarding this rejection, and came to the conclusion that the Obviousness-Type Double Patenting rejection was improper. Mr. Parker and the Examiner realized that the pending claims in the present case were originally filed in the parent case. The parties also realized that the pending claims were cancelled from the parent case in view of a restriction requirement that the Examiner issued on December 4, 2001. In view of the foregoing, the parties agreed that the rejection is improper, and should be withdrawn.

VI. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 25-37. The Commissioner is hereby authorized to charge any deficiencies or credits to Deposit Account 08-2395.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

HITT GAINES, PC

A handwritten signature in black ink, appearing to read 'Greg H. Parker', is written over the printed name.

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